

FEB 16 2007

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Applicant respectfully requests reconsideration of this application in which claims 1-9, 11-13, 17 and 20 are amended; claims 10 and 14-16 are cancelled and new claims 21 and 22 are added.

THE REJECTIONS UNDER 35 USC 102

Applicant respectfully submits that none of the claims are anticipated.

Claim 1 has been amended to incorporate much of the subject matter of original claim 2 with additional language to clarify what was intended by the corresponding language of claim 2. The amendments are supported by the specification at page 7, line 18 through page 8, line 11, for example.

None of the cited references includes using a history of a mobile identification within a visitor location register as a basis for determining whether a user of a mobile is a visitor to a current mobile location and then providing advertising or marketing information to that mobile as claimed.

The *Fleischer* reference uses location register information but not in a manner consistent with Applicant's claimed invention. It cannot be considered obvious to modify the *Fleischer* reference to be consistent with Applicant's claims because there would be no benefit to doing so. The *Fleischer* reference uses an approach that includes responding to a user's service request (see, e.g., paragraph 0026, lines 2-4 and 10-12 and paragraph 0031, lines 10-12). There would not be any benefit to consider a user's visitor location register history in the *Fleischer* reference to determine whether to transmit information because the user in that reference has already requested information prompting the transmission in *Fleischer's* arrangement.

The *Blom* reference does not use location register information nor any history about that type of information. Instead, the *Blom* reference says that position information can be "general"

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and can come from various sources (see, e.g., paragraph 0016, lines 4-9). The *Blom* reference does not indicate a preference for "visitors" and it cannot be considered obvious to modify that reference to add another feature because the only suggestion for doing so would be improper hindsight reasoning.

Claim 17 has been rewritten in independent form and is not anticipated or obvious for the same reasons.

THE REJECTION UNDER 35 USC 103

Given the changes to claim 1, the rejection of claims 6 and 12 as being obvious should be withdrawn. Additionally, it cannot be considered obvious to add the feature of the *Balachandran* reference to the *Fleischer* reference. The *Balachandran* reference is concerned with increasing use of a wireless system and, therefore, would only provide a message to a mobile station not already in use. That context has nothing to do with what is being accomplished in the *Fleischer* reference. Therefore, the *Balachandran* approach has no usefulness in the context of the *Fleischer* reference. Moreover, the *Fleischer* reference teaches that a user requests service and then information is provided responsive to that request. The user in such a circumstance is expecting the information and postponing it until some later time is inconsistent with the intentions of the *Fleischer* reference. Therefore, the *Fleischer* reference cannot be modified to be consistent with any claim reciting postponing transmitting information until the mobile is in idle mode.

RESPONSE TO RESTRICTION REQUIREMENT

Applicant respectfully asks the Examiner to reconsider the restriction requirement imposed in the most recent office action. Applicant respectfully traverses the requirement because the

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claims that were restricted out are not of such an independent or distinct scope that a restriction is warranted. Of course the text of claims 15-20 is not identical to claims 1-14 (otherwise the claims would be redundant) but the subject matter is so similar to previously presented claims that a restriction is not warranted. This is evidenced by the fact that the same references relied upon to reject claims 1-14 could have been used to reject claims 15 and 16.

Additionally, the Examiner should consider that original claim 2 and new claim 15 both pertain to determining what type of location register currently contains a mobile identification. A visitor location register (recited in each of claims 2, 6, 7, 12, 13 and 15-19) is used if the mobile is "roaming" or otherwise a visitor to some location. A home location register (recited in claims 6 and 15) is used when a mobile is near a "home" location. Therefore, the two sets of claims (e.g., those that were treated substantively in the last office action and those that were withdrawn from consideration) both relate to the use of a location register as a basis of determining a location or status of a mobile. Therefore, there is no basis for the restriction. Just because an applicant phrases the scope of protection somewhat differently does not warrant a restriction where the subject matter defined by the claims otherwise pertains to the same inventive concept.

Applicant respectfully submits that Applicant is entitled to include claims 17-20 in this application. The subject matter of amended claim 17 is very closely related to that defined by amended claim 1. The restriction requirement should be withdrawn.

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CONCLUSION

All claims (including claims 17-20) are allowable.

Respectfully submitted,

CARLSON, GASKEY & OLDS

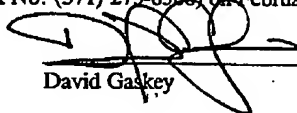
By: 

David J. Gaskey, Reg. No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment relative to Application Serial No. 10/607,622 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 16, 2007.


David Gaskey

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